



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

OCT 7 2004

Mr. Don Stiger
3683 SW 30th Drive
Gresham, OR 97080

Ref. No. 04-0135

Dear Mr. Stiger:

This is in response to your May 26, 2004, concerning the Hazardous Materials Registration Program established in 49 CFR Part 107, Subpart G. Specifically, you ask whether air carriers must register.

The registration and fee requirements apply to any person who offers for transportation or transports in commerce one or more of the following hazardous materials:

- (1) A highway-route controlled quantity of a Class 7 material in a motor vehicle, rail car, or freight container;
- (2) More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 material in a motor vehicle, rail car, or freight container;
- (3) More than one L (1.06 qt) of a material poisonous by inhalation that meets the criteria for Hazard Zone A;
- (4) A shipment in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids;
- (5) A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class, under the provisions of subpart F of part 172 of this chapter; or
- (6) Except activities of a farmer, as defined in 49 CFR § 171.8, that are in direct support of the farmer's farming operations; a quantity of hazardous material that requires placarding, under provisions of 49 CFR Part 172, Subpart F.

The registration and fee requirements apply to the transportation of hazardous materials by all modes, including air carriage. The



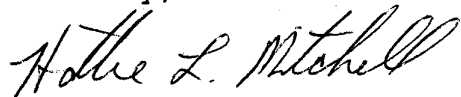
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172.512

requirements are triggered by the offering or transportation of a hazardous material in a quantity and manner that requires placarding under 49 CFR Part 172, Subpart F. If a carrier's shipments are excepted from the placarding requirements of the HMR (for example, as provided in § 172.512(a)(3)), the carrier is not required to register.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, reading "Hattie L. Mitchell". The signature is written in dark ink and is positioned below the word "Sincerely,".

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

INFOCNTR

From: DStigerman@aol.com
Sent: Wednesday, May 26, 2004 12:52 PM
To: INFOCNTR
Subject: Request for Letter of Clarification

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
US DOT/RSPA (DHM-10)
400 Seventh Street SW
Washington, DC 20590-0001

Subject: Request for a Letter of Clarification

Dear Mr. Mazzullo:

Using the clarification letter provided by the March 24, 2004 (Ref. No. 04-0065), letter from Susan Gorsky, Senior Transportation Regulations Specialist, Office of Hazardous Materials Standards, will air carriers now have to register with the Research and Special Programs Administration (RSPA) as required by Subpart G of Part 107 of the Hazardous Materials Regulations (HMRs) if transporting a shipment that requires placarding by highway or rail?

Air carriers have avoided the registration requirement utilizing the exception found in 49 CFR, Section 172.512. Namely, tagged or labeled freight containers are not "required" to be placarded and thus the air carrier is not required to register with RSPA. Does the March 24, 2004 (Ref. No. 04-0065), clarification letter have any impact on registration for those air carriers that transport shipments that require placarding by highway or rail?

I appreciate your assistance in the is manner and look forward to your written response.

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Placarding
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